

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL MALDONADO ROSETE, et al.,

Plaintiffs,

-v-

AANGAN OF INDIA LLC, et al.,

Defendants.

CIVIL ACTION NO.: 20 Civ. 9598 (KPF) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On April 5, 2023, Plaintiffs' counsel, CSM Legal P.C. ("CSM"), requested permission to withdraw as counsel for Plaintiff Eligio Candido ("Mr. Candido"). (ECF No. 149 (the "Motion")). In a declaration filed with the Motion, CSM attorney Ramsha Ansari states that Mr. Candido "has stopped communicating" with CSM and that "[i]t therefore has become impossible for [CSM] to diligently represent him in this action[.]" (ECF No. 149-1 ¶ 3). CSM served a copy of the Motion on Mr. Candido. (ECF No. 150). On April 6, 2023, Plaintiffs requested an extension of time to file their proposed findings of fact and conclusions of law concerning damages (the "Damages Submission") as to Defendants Royal Kabab and Curry, Inc., Rym Foods LLC, Nitu Singh, Dicosta Doe, and Aangan of India LLC, pending resolution of the Motion. (ECF No. 151 (the "Extension Request")).

On April 10, 2023, the Court granted the Extension Request, and ordered Mr. Candido to file a response to the Motion by April 24, 2023. (ECF No. 152 (the "Apr. 10 Order")). The Court warned Mr. Candido that failure to comply with the Apr. 10 Order may result in dismissal of his claims for failure to prosecute. (Id. ¶ 1). That same day, CSM served a copy

of the Apr. 10 Order on Mr. Candido. (ECF No. 153). To date, Mr. Candido has failed to comply with the Apr. 10 Order, respond to the Motion, or otherwise communicate with the Court.

Accordingly, the Motion is GRANTED. By **June 16, 2023**, Mr. Candido shall notify the Court whether he intends to secure legal representation or proceed pro se (the “Notice”). Mr. Candido is warned that failure to comply with this Order will result in a recommendation of dismissal of his claims for failure to prosecute. See Fed. R. Civ. P 41(b); Espinoza v. Euro Design & Stone LLC, No. 20 Civ. 4381 (SLC), 2022 WL 17218501, at *1 (S.D.N.Y. Oct. 17, 2022) (“Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action sua sponte for failure to prosecute after notifying the plaintiff.”) (citing Murray v. Smythe, 18 Civ. No. 4705 (KMK), 2020 WL 4482644, at *2 (S.D.N.Y. Aug. 3, 2020)); Diaz v. Parents Ass’n of Yeshiva & Mesifita Torah Vodaath, Inc., No. 21 CV 4102 (KAM) (LB), 2022 WL 18858970, at *2 (E.D.N.Y. Sept. 27, 2022).

By separate order, the Court will set a deadline for Plaintiffs to file their Damages Submission. Mr. Candido may satisfy the Notice requirement by filing his Damages Submission.

CSM shall promptly serve a copy of this Order on Mr. Candido and file proof of service by **May 15, 2023**.

The Clerk of Court is respectfully directed to (i) terminate CSM as counsel for Mr. Candido, and (ii) mail a copy of this Order to Mr. Candido at the following address, provided by CSM: 501 W 133th Street, New York, New York 10027. Mr. Candido is advised that, if this is not his address, it is his obligation to promptly notify the Court of his current address, and that failure to do so may result in dismissal of his claims. See Cabrera v. Brann, No. 21 Civ. 780 (JMF), 2021 WL

1549818, at *1 (S.D.N.Y. Apr. 20, 2021) (“District courts in this Circuit have recognized that ‘the failure to maintain [a current address] with the Court is a ground for failure to prosecute’ because ‘[t]he case cannot proceed’ without such information.”) (quoting Pratt v. Behari, No. 11 Civ. 6167 (JGK), 2012 WL 1021660, at *1 (S.D.N.Y. Mar. 26, 2012)).

Dated: New York, New York
May 12, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge